

Congress of the United States
Washington, DC 20515

October 30, 2020

Mr. Louis DeJoy
Postmaster General
U.S. Postal Service
475 L'Enfant Plaza, S.W.
Washington, DC 20260-0546

Dear Mr. DeJoy:

On September 30, we wrote to you with several questions regarding the United States Postal Service's (USPS) preparedness for the upcoming general election in New Jersey on November 3. Our state's election will be conducted almost entirely through vote-by-mail (VBM). Given the urgency, we sought answers to these questions by October 12 and additionally requested USPS schedule an oversight tour of the Dominic V. Daniels Processing and Distribution Center by October 16. To date, we have received no formal reply from you or any of your subordinates.

New Jerseyans have suffered a slew of mail delivery issues throughout this year including ballots improperly dumpedⁱ and improperly postmarkedⁱⁱ. While you have failed to respond to our questions on the extent and impact of your operational changes on mail deliveryⁱⁱⁱ, the USPS Office of Inspector General (OIG) found significant issues with these changes. Most alarming, the OIG found your attempts to curtail overtime and restrict deliveries led to significant drops in timeliness and mail service performance for all mail products.^{iv}

Over 3 million VBM ballots have already been cast in New Jersey.^v With election day less than a week away, our constituents and the general public continue to face mail delivery delays as bad as at any point this year.^{vi} Nationally, 85.6% of all first-class mail was delivered on time (or within three days) the week of October 16, the 14th consecutive week the on-time rate sat below USPS's goal of 90% for mail delivered on time.^{vii} More than 42 million out of the 92 million VBM ballots requested by voters nationally have not yet been returned as of October 28. Many of these voters will rely on USPS for timely delivery of their ballot.^{viii}

Many states require VBM ballots be received by election day to be counted. Others, like New Jersey, require ballots be postmarked by election day and received no later than one week after election day. As delivery performance continues to lag, nonpartisan election and postal experts are warning voters that USPS can no longer be relied upon to deliver ballots by state deadlines.^{ix} Amidst your sweeping operational changes, USPS warned that even when voters meet state deadlines for mailing their ballot, the postal service cannot guarantee all ballots will arrive at their destination in time to be counted.^x

We are distressed by the lack of transparency USPS continues to display in the face of legitimate questions about readiness to handle a VBM-based national election. The USPS OIG found several

occasions where the postal service under your leadership failed to provide complete and timely information to Congress.^{xi} USPS continues to illegally block^{xii} our requested oversight tour of the Dominic V. Daniels Processing and Distribution Center ahead of the election. Using the Hatch Act as a shield is a preposterous perversion of the law and constitutionally permitted oversight. The Office of Special Counsel concluded in 2018 that the Hatch Act does not provide a basis to prevent an elected official to visit a federal facility for an official purpose.^{xiii}

In our letter to you last month^{xiv}, we provided you with ample time to answer our questions about timely mail delivery and handling of ballots ahead of the election. With the election now days away, your failure to respond and seeming eagerness to shirk congressional oversight calls into question your ability to lead USPS through these challenges. **It is necessary that USPS formally respond to the questions in our September 30 letter by November 2.**

As tens of millions of Americans continue to cast their ballots through the mail, it is essential USPS maintain transparency with the public and allow for oversight by democratically elected representatives of the people. Our democracy depends on it.

Sincerely,



Bill Pascrell, Jr.
Member of Congress



Frank Pallone, Jr.
Member of Congress



Albio Sires
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Donald Norcross
Member of Congress



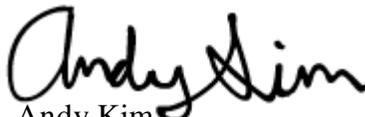
Bonnie Watson Coleman
Member of Congress



Josh Gottheimer
Member of Congress



Tom Malinowski
Member of Congress



Andy Kim
Member of Congress



Mikie Sherrill
Member of Congress

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- ⁱ <https://newjerseyglobe.com/campaigns/allegation-of-mail-in-ballots-tossed-near-dumpster-gets-no-response-from-usps-local-police>; <https://newjerseyglobe.com/local/west-orange-residents-werent-told-their-mail-was-in-a-dumpster>; <https://patersonimes.com/2020/05/05/stacks-of-mail-in-ballots-left-at-paterson-apartment-buildings/>
- ⁱⁱ <https://newjerseyglobe.com/governor/murphy-said-he-wasnt-told-about-6535-incorrectly-postmarked-ballots/>
- ⁱⁱⁱ <https://www.washingtonpost.com/business/2020/07/14/postal-service-trump-dejoy-delay-mail/>
- ^{iv} <https://www.uspsoidg.gov/document/operational-changes-mail-delivery>
- ^v <https://newjerseyglobe.com/campaigns/almost-3-million-new-jerseyans-have-voted-bringing-turnout-to-49-4/>
- ^{vi} <https://www.nytimes.com/interactive/2020/09/14/upshot/is-the-mail-getting-slower-tracker.html>
- ^{vii} <https://www.washingtonpost.com/business/2020/10/27/usps-delays-election-day/>
- ^{viii} <https://www.washingtonpost.com/politics/2020/10/28/mail-ballots-postal-service/>
- ^{ix} <https://www.washingtonpost.com/business/2020/10/27/usps-delays-election-day/>
- ^x https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html
- ^{xi} <https://www.uspsoidg.gov/document/operational-changes-mail-delivery>
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